



JFA
Purple Orange

**Submission to the South Australian
Government Department of Human
Services regarding draft Disability
Inclusion Regulations 2019**

[14 December 2018]

About the Submitter

JFA Purple Orange is an independent, social-profit organisation that undertakes systemic policy analysis and advocacy across a range of issues affecting people living with disability and their families.

Our work is characterised by co-design and co-production, and includes hosting a number of user-led initiatives.

Much of our work involves connecting people living with disability to good information and to each other. We also work extensively in multi-stakeholder consultation and collaboration, especially around policy and practice that helps ensure people living with disability are welcomed as valued members of the mainstream community.

Our work is informed by a model called *Citizenhood*.

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1. Summary and recommendations

It is essential that people living with disability are able to actively participate in decisions that affect their lives. It is JFA Purple Orange's position that Commonwealth, state and territory, and local governments should engage in co-design with people living with disability and other key stakeholders whenever they develop a policy or instrument that will have a significant impact on the lives of people living with disability. In this way, people living with disability can support governments as valuable partners in policy, drawing on their skills, insight, ideas and lived experience of disability.

We recommend the following:

Recommendation 1

The South Australian Government should amend sections 6 and 9 of the draft Disability Inclusion Regulations to replace the requirement for consultation with key stakeholders with a requirement to undertake a co-design process with people living with disability, their families and carers, and persons or bodies representing the interests of people living with disability, to develop both the State Disability Inclusion Plan and the State authority disability access and inclusion plans.

2. Introduction

The State Disability Inclusion Plan and local government access and inclusion plans will help to shape state and local government authorities' priorities and direction in the coming years. This will directly affect the lives of people living with disability and their families. These instruments are an important means by which Australia can implement its obligations under the United Nations Convention on the Rights of Persons With Disabilities (UNCRPD) and other human rights instruments.

3. Participation in decision-making

A key component of the UNCRPD is the right of people living with disability to participate in decisions that affect their lives. Indeed, the preamble recognises that ‘persons with disabilities should have the opportunity to be **actively involved** in decision-making processes about policies and programmes, including those directly concerning them.’¹ Article 4 of the UNCRPD sets out the general obligations of States Parties, including:

In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall **closely consult with and actively involve** persons with disabilities, including children with disabilities, through their representative organizations.²

JFA Purple Orange believes that it is important for all levels of government to identify ways to more actively involve people living with disability in decision-making processes that affect their lives.

4. Consultation v co-design

The draft Regulations focus heavily on the need for consultation with people living with disability, their families and carers, and persons or bodies representing the interests of people living with disability. We suggest that this be amended to incorporate a requirement for both the State Government and other State authorities to engage in a co-design process, so that key stakeholders are directly involved in the development of the State Disability Inclusion Plan and Local Government access and inclusion plans from the outset. It is

¹ UN General Assembly, *Convention on the Rights of Persons with Disabilities*, 13 December 2006, A/RES/61/106, Preamble (emphasis added).

² *Ibid*, article 4(3) (emphasis added).

particularly important that people living with disability are involved in conceptualising and developing the content of these plans.

Co-design is a process whereby the perspective of the intended beneficiaries is included in the design process. There is a distinct difference between consultation and co-design.

Consultation is a process whereby beneficiary stakeholder views are sought but the decisions remain elsewhere. Co-design is a process whereby beneficiary stakeholders not only contribute to the thinking, but participate in the decisions that will determine the final outcomes.

In order to work within a co-design framework, a steering group could be established to perform both project governance and co-design work for the project. The group could comprise a range of stakeholders, including people living with disability, their families and carers, persons or bodies representing the interests of people living with disability, and government representatives. The Regulations could directly refer to such a steering group.

If a steering or advisory group were established, this could be called upon in future to assist with the development of further government programs and policies.

Recommendation 1

The South Australian Government should amend sections 6 and 9 of the draft Disability Inclusion Regulations to replace the requirement for consultation with key stakeholders with a requirement to undertake a co-design process with people living with disability, their families and carers, and persons or bodies representing the interests of people living with disability, to develop both the State Disability Inclusion Plan and the State authority disability access and inclusion plans.

5. Conclusion

Thank you for the opportunity to provide our views on these important Regulations.

JFA Purple Orange believes that although the views of people living with disability can be obtained through consultation, a better way to empower these people and actively involve them as partners in policy is to work with them as co-designers.

JFA Purple Orange has extensive experience undertaking co-design approaches. Examples include the development of an NDIS eMarket user specification, a national peer support network website, service evaluation arrangements, advice and recommendations relating to individual planning, and initiatives affecting young people living with disability.

Please contact us if you would like further information about co-design processes, both with respect to these Regulations and more broadly.